

## HUMAN SERVICES DEPARTMENT[441]

### Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 234.6 and 2013 Iowa Acts, Senate File 446, section 29, the Department of Human Services amends Chapter 170, “Child Care Services,” Iowa Administrative Code.

This amendment increases the provider rate ceilings for child care assistance to reflect a 4 percent increase over current rates as directed by the Legislature.

The Council on Human Services adopted this amendment on June 26, 2013.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because the Legislature mandated these changes.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective July 1, 2013, because the amendment confers a benefit on the public. This amendment increases the provider reimbursement rates for the Child Care Assistance Program.

This amendment is also published herein under Notice of Intended Action as **ARC 0852C** to allow for public comment.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 234.6 and 2013 Iowa Acts, Senate File 446, section 29.

This amendment became effective July 1, 2013.

The following amendment is adopted.

Amend paragraph **170.4(7)“a”** as follows:

*a. Rate of payment.* The rate of payment for child care services, except for in-home care which shall be paid in accordance with 170.4(7)“d,” shall be the actual rate charged by the provider for a private individual, not to exceed the maximum rates shown below. When a provider does not have a half-day rate in effect, a rate is established by dividing the provider’s declared full-day rate by 2. When a provider has neither a half-day nor a full-day rate, a rate is established by multiplying the provider’s declared hourly rate by 4.5. Payment shall not exceed the rate applicable to the provider and age group in Table I, except for special needs care which shall not exceed the rate applicable to the provider and age group in Table II. To be eligible for the special needs rate, the provider must submit documentation to the child’s service worker that the child needing services has been assessed by a qualified professional and meets the definition for “child with special needs,” and a description of the child’s special needs, including, but not limited to, adaptive equipment, more careful supervision, or special staff training.

Table I Half-Day Rate Ceilings for Basic Care				
Age Group	Child Care Center	Child Development Home Category A or B	Child Development Home Category C	Nonregistered Family Home
Infant and Toddler	<del>\$16.13</del> <u>\$16.78</u>	<del>\$12.48</del> <u>\$12.98</u>	<del>\$11.96</del> <u>\$12.44</u>	\$8.19
Preschool	<del>\$13.01</del> <u>\$13.53</u>	<del>\$11.71</del> <u>\$12.18</u>	<del>\$11.71</del> <u>\$12.18</u>	\$7.19
School Age	<del>\$11.71</del> <u>\$12.18</u>	<del>\$10.40</del> <u>\$10.82</u>	<del>\$10.40</del> <u>\$10.82</u>	\$7.36

Table II Half-Day Rate Ceilings for Special Needs Care				
Age Group	Child Care Center	Child Development Home Category A or B	Child Development Home Category C	Nonregistered Family Home
Infant and Toddler	<del>\$49.94</del> <u>\$51.94</u>	<del>\$16.39</del> <u>\$17.05</u>	<del>\$12.88</del> <u>\$13.40</u>	\$10.24
Preschool	<del>\$29.26</del> <u>\$30.43</u>	<del>\$15.22</del> <u>\$15.83</u>	<del>\$12.88</del> <u>\$13.40</u>	\$ 8.99
School Age	<del>\$29.17</del> <u>\$30.34</u>	<del>\$14.05</del> <u>\$14.61</u>	<del>\$11.71</del> <u>\$12.18</u>	\$ 9.20

The following definitions apply in the use of the rate tables:

(1) "Child care center" shall mean those providers as defined in 170.4(3) "a" and "g." "Registered child development home" shall mean those providers as defined in 170.4(3) "b." "Nonregistered family child care home" shall mean those providers as defined in 170.4(3) "f."

(2) Under age group, "infant and toddler" shall mean age two weeks to two years; "preschool" shall mean two years to school age; "school age" shall mean a child in attendance in full-day or half-day classes.

[Filed Emergency 6/27/13, effective 7/1/13]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/24/13.